

REMARKS

Claims 2, 8-12, 15-34, 36-43, 45-50 and 52, have been canceled and the specification and claims 1, 3-7, 13, 14, 35, 44, 53-55 are currently amended to remove non-elected subject matter and to correct typographical errors. New claims 58-76 are added. Upon entry of the foregoing amendments, claims 1, 3-7, 13, 14, 35, 44, 51 and 53-76 would be pending.

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and in view of the following reasons.

Declaration

In compliance with 37 CFR 1.67(a), applicants submit with this communication newly executed declarations identifying the residence and citizenship of each inventor.

35 U.S.C. 112, Second Paragraph

Claims 25, 35 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The foregoing amendments obviate this rejection in part.

The remaining part of this rejection is respectfully traversed. Reference to a figure or table is permitted "where it is more concise to incorporate by reference than duplicating a drawing or table into the claim." *Ex parte Fressola*, 27 USPQ2d 1608, 1609 (Bd. Pat. App. & Inter. 1993)(citations omitted). With thirteen generic structures, it would be more concise to incorporate by reference Formulas I through XIII than to recite them explicitly in the claims.

Informalities

The foregoing amendments correct various informalities noted in the Office action. As requested by the Examiner, the specification has been reviewed for additional typographical errors and has been amended above to correct the same.

35 U.S.C. 119(e)

Claims 1, 3-7, 13, 14, 17, 19, 20, 24, 25, 29, 35, 44, 51 and 53-56 are not deemed by the Office to be entitled under 35 U.S.C. 119(e) to the benefit of the April 19, 2000 filing date of Provisional Application No. 60/198,545. Though not intended as an admission that the original claims were not entitled to the filing date of Provisional Application No. 60/198,545, the foregoing amendments render this issue moot with respect to the following rejections.

35 U.S.C. 102(a)

Claims, 3-7, 14, 17, 19, 20, 25, 29, 35, 44 and 51 are rejected under 35 U.S.C. 102(a) as being anticipated by Watkins et al.

Applicants submit with this communication a Declaration under 37 C.F.R. 1.132. The Declaration, signed by co-applicant Solomon H. Snyder, establishes that the Watkins et al. article describes the applicants' own work and that the other co-authors of the article were merely working under their direction. Since an applicant's own work does not represent prior art under 35 U.S.C. 102(a), *In re Katz*, 687 F.2d 450, 454, 215 U.S.P.Q. 14, 17 (C.C.P.A. 1982), the Watkins et al. article does not anticipate applicants' claims.

35 U.S.C. 102(b)

Bortolotti et al.

Claims 1, 3-7, 14, 17, 19, 20, 25, 29, 44, 51 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Bortolotti et al.

The foregoing amendments obviate this rejection. New claims 57 to 63 are entitled to the benefit of the April 19, 2000 filing date of Provisional Application No. 60/198,545. Since the Bortolotti et al. article is published in April 2000, it is not prior art under 35 U.S.C. 102(b) because it is not published more than one year before the effective filing date of the claims.

Stief et al.

Claims 1, 5-7, 14, 17 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Stief et al.

The foregoing amendments obviate this rejection.

EP 656,989

Claims 1, 3-7, 14, 17, 19, 20, 25, 44, 51 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application No. 656,898.

The foregoing amendments obviate this rejection.

Warrellow et al.

Claims 1, 5-7, 13, 14, 17, 5, 44, 51 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Warrellow et al.

The foregoing amendments obviate this rejection.

35 U.S.C. 102(e)

Cutler et al.

Claims 1, 5-7, 14, 17 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Cutler et al.

The foregoing amendments obviate this rejection.

Gmunder et al.

Claims 1, 3-7, 14, 17, 19, 20, 25, 29, 35, 44, 51 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Gmunder et al.

The foregoing amendments obviate this rejection.

Michaeli

Claims 1, 4-7, 14, 17, 19, 20, 24 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaeli in view of Dorziotis et al.

The foregoing amendments obviate this rejection.

35 U.S.C. 103(a)

Claims 54-56 are rejected under 35 U.S.C. 103(a) as being obvious over Bortoletti et al., Cutler et al., Stief et al., Gmunder et al. or Warrellow et al. in view of Benet et al.

The foregoing amendments obviate this rejection.

CONCLUSION

Applicants believe that this application is now in condition for allowance.
Favorable reconsideration of this application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt
that a telephone interview would advance the prosecution of this application.

Respectfully submitted,

Date 4/7/03

By 

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